



Testimony

Of

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on

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I am Archbishop Jose Gomez, Archbishop of Los Angeles, CA, and chairman of the U.S. Conference of Catholic Bishops' (USCCB) Committee on Migration. I testify today on behalf of the Committee of Migration on the Catholic Church's perspective on the immigration needs of spouses and children of lawful permanent residents (LPR).

Mr. Chairman, I am pleased to have the opportunity to give a statement today on this important topic. I would like to thank Chairman Trey Gowdy and Ranking Minority Member Zoe Lofgren for holding this hearing on an issue that is of such vital importance to our nation.

We are hopeful that today's hearing helps to ensure a process that will result in the enactment of comprehensive immigration reform that incorporates family-based immigration law principles. Our nation cannot wait any longer to repair our broken immigration system, which does not accommodate the migration realities we face in our nation today, or respect the basic human rights of migrants.

In order to achieve real reform, the Obama Administration and Congress must work together on a comprehensive package that would provide a path to citizenship for undocumented migrants and their families in the U.S., provide legal means for migrants to enter our nation to work and support their families, and reform the system whereby immigrants come to the United States to reunite with close family members.

Mr. Chairman, in January 2003, the U.S. and Mexican Catholic bishops issued a historic joint pastoral letter on the issue of migration entitled *Strangers No Longer: Together on the Journey of Hope*. Among its many recommendations, it outlines the elements which the bishops of both nations believe are necessary to reform U.S. and Mexican immigration policy in a comprehensive and just manner.

My testimony today will focus on many of the recommendations contained in the U.S.-Mexican bishops' joint letter.

Specifically, my testimony recommends that Congress—

- Maintain the current family preference categories at adequate levels, including 3rd and 4th preferences to allow family members to unite within a reasonable period of time.
- Reduce backlogs and waiting times in the family preference system so families can be reunited by moving the 2A category into immediate relatives, increasing per-country caps, and maintaining and using unused visas each year.
- Maintain the Diversity Immigrant Visa Program.

I. Catholic Social Teaching and Migration

The Catholic Church is an immigrant church. More than one-third of Catholics in the United States are of Hispanic origin. The Church in the United States is also made up of more than 58 ethnic groups from throughout the world, including Asia, Africa, the Near East, and Latin America.

The Catholic Church has a long history of involvement in the immigration issue, both in the advocacy arena and in welcoming and assimilating waves of immigrants and refugees who have helped build our nation throughout her history. Many Catholic immigration programs were involved in the implementation of the Immigration Reform and Control Act (IRCA) in the 1980s and continue to work with immigrants today. In fact, the U.S. Conference of Catholic Bishops (USCCB) was a national coordinating agency for the implementation of IRCA. We have a strong working relationship with the Department of Homeland Security (DHS) and with U.S. Citizenship and Immigration Services (USCIS), the agency that would be largely responsible for implementing any new legalization and temporary worker programs. In 1988, the United States Conference of Catholic Bishops (USCCB) established the Catholic Legal Immigration Network, Inc. (CLINIC) to support a rapidly growing network of community-based immigration programs. CLINIC's network now consists of over 212 members serving immigrants and their families in over 300 offices.

The Church's work in assisting migrants stems from the belief that every person is created in God's image. In the Old Testament, God calls upon his people to care for the alien because of their own alien experience: "So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt" (Deut. 10:17-19). In the New Testament, the image of the migrant is grounded in the life and teachings of Jesus Christ. In his own life and work, Jesus identified himself with newcomers and with other marginalized persons in a special way: "I was a stranger and you welcomed me." (Mt. 25:35) Jesus himself was an itinerant preacher without a home of his own as well as a refugee fleeing the terror of Herod. (Mt. 2:15)

In modern times, popes over the last 100 years have developed the Church's teaching on migration. Pope Pius XII reaffirmed the Church's commitment to caring for pilgrims, aliens, exiles, and migrants of every kind, affirming that all peoples have the right to conditions worthy of human life and, if these conditions are not present, the right to migrate.¹ Pope John Paul II states that there is a need to balance the rights of nations to control their borders with basic human rights, including the right to work: "Interdependence must be transformed into solidarity based upon the principle that the goods of creation are meant for all."² In his pastoral statement, *Ecclesia in America*, John Paul II reaffirmed the rights of migrants and their families and the need for respecting human dignity, "even in cases of non-legal immigration."³

¹ Pope Pius XII, *Exsul Familia (On the Spiritual Care of Migrants)*, September, 1952.

² Pope John Paul II, *Sollicitudo Rei Socialis*, (On Social Concern) No. 39.

³ Pope John Paul II, *Ecclesia in America (The Church in America)*, January 22, 1999, no. 65.

In an address to the faithful on June 5, 2005, His Holiness Benedict XVI referenced migration and migrant families; "... my thoughts go to those who are far from their homeland and often also from their families; I hope that they will always meet receptive friends and hearts on their path who are capable of supporting them in the difficulties of the day."

During his visit to the United States in April 2008, His Holiness Benedict XVI chose migration and immigration as one theme of his visit, citing the importance of keeping families together and addressing the issue not only nationally, but regionally and globally as well: "The fundamental solution is that there would no longer exist the need to emigrate because there would be in one's own country sufficient work, a sufficient social fabric, such that no one has to emigrate. Besides this, short-term measures: It is very important to help the families above all." (Interview with His Holiness Pope Benedict XVI on his flight to America, April 15, 2008.)

In our joint pastoral letter, the U.S. and Mexican Catholic bishops further define Church teaching on migration, calling for nations to work toward a "globalization of solidarity." "It is now time to harmonize policies on the movement of people, particularly in a way that respects the human dignity of the migrant and recognizes the social consequences of globalization."⁴

The U.S. and Mexican bishops also point out why we speak on the migration issue. As pastors, we witness the consequences of a failed immigration system every day in the eyes of migrants who come to our parish doors in search for assistance. We are shepherds to communities, both along the border and in the interior of the nation, which are impacted by immigration.

For these reasons, the Catholic Church holds a strong interest in the welfare of immigrants and how our nation welcomes newcomers from all lands. The current immigration system, which can lead to family separation is morally unacceptable and must be reformed.

II. Policy Recommendations

Mr. Chairman, the U.S. Catholic bishops believe that any comprehensive immigration reform bill should be centered on family-based immigration principles. Family reunification, upon which much of the U.S. immigration system has been based for decades, should remain the cornerstone of U.S. immigration policy. Immigrant families contribute to our nation and help form new generations of Americans. Even while many migrants come to the United States to find employment, many come as families. In my testimony, I attempt to spell out in more detail our recommendations in this regard, as well as point out the family immigration policy provisions the U.S. Conference of Catholic Bishops (USCCB) would oppose in any immigration reform bill.

A. Retain Existing Family Preferences at Adequate Levels

Mr. Chairman, the U.S. bishops strongly feel that the current structure of the family-based immigration system should be maintained. We understand that the subcommittee could consider eliminating certain categories, such as the third and fourth preference—adult married children

⁴ *Strangers No Longer: Together on the Journey of Hope. A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States,* January 23, 2003, n. 57.

and brothers and sisters of U.S. citizens. For the sake of family unity the USCCB asks that you maintain the third and fourth family-based preference, as married adult children and siblings are part of the family unit and are an important group in any family-based immigration reform effort. The wait times for these particular categories are extremely long: for example, siblings of Filipino descent faces an almost twenty-four year wait to be reunited with a U.S. Citizen sibling, and a married adult child of Mexican descent faces a twenty-year wait to be reunited with their U.S. Citizen parent.⁵ Siblings and married adult children are important parts of the family unit. Additionally, as I will explain, we ask that you eliminate the backlog in this category as well.

Mr. Chairman, we are opposed to the inclusion of the Uniting American Families Act (UAFA) in comprehensive immigration reform legislation, which would add another category to the structure for persons in same-sex relationships. USCCB feels that this should not be part of the family-immigration debate. The addition of this category would erode the unique meaning of marriage by allocating spousal immigration benefits to persons in same-sex relationships. The inclusion of this provision would unnecessarily introduce controversy into an already divisive debate. We should not jeopardize the success of comprehensive immigration reform by using it as a vehicle to advance an issue that is already the source of polarizing debate in the states and in the courts.

Mr. Chairman, we also oppose the introduction of a point system as a replacement for, or as a supplement to, the family-based system. During the 2007 immigration reform debate, the U.S. Senate strongly considered replacing the family-based immigration system with a “point” system, which would have allocated visas to applicants based on the number of points they scored on different criteria. This idea was based on the Canadian model, which currently employs that system.

We oppose the imposition of such a point system, which we fear would place higher value on highly-educated and skilled immigrants than on family ties. We reject the premise that the family-based system has historically not worked in the best interest of this nation. Indeed, there is evidence that immigrant families represent the backbone of communities in this nation, especially in urban areas. They have started and maintained family businesses, from restaurants to dry cleaning stores and from auto mechanic businesses to pastry shops. Immigrant families also take care of each other and ensure that all members of the family are provided for, as well as contribute their talents to the strengthening of local neighborhoods.

Family reunification has been the cornerstone of the U.S. immigration system since the inception of our republic. It would be foolhardy to abandon this system, as the family unit, based on the union of a husband and a wife and their children, represents the core of our society and culture.

B. Reducing Existing Backlogs in Family Categories

The U.S. family-based immigration system, which helps keep families together, is in urgent need of reform. The current visa quota system, last revised by Congress in 1990, established statutory ceilings for family immigration that are now inadequate to meet the needs of immigrant families wishing to reunite in a timely manner. The result has been waiting times on average of

⁵ Department of State, Visa Bulletin for January 2013, Number 52, Volume IX

eight years for adult children to be able to reunite with their U.S. Citizen parents, and the wait is currently twenty years for or more for the adult children of Mexican descent to reunite with their U.S. Citizen parents.⁶ These “backlogs” create obstacles that force families to live for years apart without the ability to legally live with their loved ones. Such lengthy waiting times are unacceptable and actually provide unintentional incentive for some migrants to come to the United States illegally. Substantial changes must be made to the U.S. family-based immigration system so that it will meet the goal of facilitating, rather than hindering, family unity. Failure to address this problem will lead to renewed backlogs which once again will lead to illegal immigration and visa overstays. Eliminating the backlogs to individuals currently waiting will help to continue to promote family unity and family-based immigration principles and will also help prepare the way for implementing comprehensive immigration reform.

Classify Spouses and Children of LPRs as Immediate Relatives. Currently, the spouses and minor children of legal permanent residents (LPRs) are classified in family-based category/preference 2A. For individuals to legally immigrate to the United States under this category, the current wait is two and half years.⁷ The wait time for the immediate family members of legal permanent residents is very difficult for families with minor children as it forces separated spouses to act as de facto single parents. The separation of immediate nuclear families is destructive to the family unit and creates family tension, pain and isolation. This particular type of family separation has also been mentioned extensively as an obstacle that is currently keeping high skilled workers from working and settling down permanently in the United States.⁸ Due to the particularly close and important relationship between spouses and between parent and child, we advocate for a reclassification of spouses and minor children of LPRs to “immediate relative” status. This reclassification will enable a much quicker reduction of the backlog for this category and also will help to promote family unity as well as incentivize LPRs to remain and work in the United States. We believe that the visas in this category could be used, or “spill down” to other categories in the family-based system.

Increase the per-country limits on annual visa quotas in this category. The current per-country limits for annual visas places a strict limit on the numbers that may come from certain countries, especially from emerging-market countries such as China, India, Mexico and the Philippines. Currently, if legal permanent residents (LPRs) happen to be one from one of the above mentioned countries, they automatically and unfairly are subject to waits of nine to twenty-one years to be reunited with their adult children.⁹ The USCCB believes in the sanctity of the family and the right of families to be together, regardless of which country family members originate. For this reason the USCCB advocates for an increase in the per-country limits on annual visa quotas in this category.

⁶ Department of State, Visa Bulletin for January 2013, Number 52, Volume IX

⁷ Department of State, Visa Bulletin for January 2013, Number 52, Volume IX

⁸ See Hearing on the U.S. Immigration System Committee of the House Judiciary Tuesday, February 5, 2013, testimony of Dr. Puneet Arora, Immigration Voice

⁹ Department of State, Visa Bulletin for January 2013, Number 52, Volume IX

Recapture unused visas and roll-over the remaining unused visas into the next year.

We ask that you examine recapturing the current visas that go unused and proposed that these annual unused and unclaimed family-based and employment-based visas should be re-utilized and a mechanism should be created and put in place that guarantees that future unused visas are not wasted.

C. Maintain the Diversity Immigrant Visa Program

We ask that you continue to operate the Diversity Immigrant Visa Program. The Diversity Immigrant Visa Program provides lawful permanent residence to immigrants from what are designated low-admission countries. Structured as a lottery system, the Program has a statutory annual numerical limitation of 55,000 visas¹⁰ for applicants from countries with low rates of immigration to the United States.¹¹ Citizens from any country emigrating more than 50,000 immigrants to the United States in the preceding five years are ineligible to receive benefits under the program.¹² The Program offers many benefits to the United States and intended beneficiaries, such as cultural exchange and the furthering of the U.S.'s foreign policy interests. Additionally, the Program gives individuals hope for reunification with family in the United States. To this point, the USCCB has witnessed many instances¹³ where individuals have petitioned to come to the United States on family-based visas but have faced up to twenty year waits, particularly if they are the siblings or extended relatives of U.S. Citizens. Some individuals were able to apply for Diversity Visas and after many attempts were united with family members in the United States. For this reason, Mr. Chairman, we ask that you maintain the Diversity Immigrant Visa Program.

III. Conclusion

Mr. Chairman, we appreciate the opportunity to testify today on the issue of family-based immigration reform with particular focus on spouses and minor children of LPRs. Now is the time to finally enact such reforms, and we must do it right.

¹⁰ In 1997, Congress passed The Nicaraguan Adjustment and Central American Relief Act (NACARA) which provides that up to 5,000 of diversity visas allocated each fiscal year be made available for use under the NACARA program. The reduction to 50,000 of available visas began with DV-2000.

¹¹ Pub. L. No. 101-649, § 131.

¹² Individuals from countries with more than 50,000 immigrants in the employment or family-based visa categories in the prior five years are not eligible. In FY 2011, individuals from the following countries were ineligible: Brazil, Canada, China, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Jamaica, Mexico, Pakistan, Peru, the Philippines, Poland, South Korea, United Kingdom, and Vietnam.

¹³ Ambassador Johnny Young, Executive Director of Migration Refugee Services (MRS) of the USCCB has testified about his personal experiences with individuals who have been able to reunite with their U.S. Citizen relatives through the Diversity Immigrant Visa Program. See Ambassador Young Testimony on Diversity Immigrant Visa Program before the House Judiciary Subcommittee on Immigration Policy and Enforcement, April 5, 2011 (attached)

Mr. Chairman, we urge you and the committee to consider our recommendations as you consider the myriad issues in this vital area. We are hopeful that, as our public officials debate this issue, that migrants, regardless of their legal status, are not made scapegoats for the challenges we face as a nation. Rhetoric that attacks the human rights and dignity of the migrant are not becoming of a nation of immigrants. Neither are xenophobic and anti-immigrant attitudes, which only serve to lessen us as a nation.

Mr. Chairman, the U.S. Catholic bishops strongly believe that family-base immigration reform should be a top priority within the comprehensive immigration reform debate for Congress and the Administration and should be enacted this year. We look forward to working with you and the administration in the days and months ahead to fashion an immigration system that upholds the valuable contributions of immigrants and reaffirms the United States as a nation of immigrants. Thank you for your consideration of our views.